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October 7, 2019

VIA EMAIL

Honorable Stuart M. Bernstein
United States Bankruptcy Court
Southern District of New York
One Bowling Green
New York, New York 10004-1408

Re: Picard v. Kurzrok, et. al., Adv. Pro. No. 09-01305 (SMB)

Your Honor,

We are counsel to the Trustee in the above-captioned action. We write jointly with counsel for Richard Spring, The Spring Family Trust, and Jeanne T. Spring Trust (the “Spring Defendants”), who are three of four remaining defendants in this action, to apprise your Honor of the status of the Trustee’s mediation with the Spring Defendants.

The Trustee and the Spring Defendants (together, the “Parties”) have made substantial progress since appearing before your Honor for a status conference on September 5, 2019. We have reached a settlement agreement in principle, but are currently working on the final revisions to a complex settlement agreement that includes several supporting documents. The close of fact discovery in this action, as defined by the “Discovery Cut-Off” date in the operative Case Management Plan is this Wednesday, October 9. (*See* ECF No. 406.) While we hope to have the settlement agreement and supporting documents executed by this Friday, October 11, given the intervening holiday and the logistics involved with some of the signatories being located in Florida, we ask jointly – on behalf of both the Trustee and counsel for the Spring Defendants – that Your Honor hold the Discovery Cut-Off date in abeyance for two weeks until October 23, 2019, to allow the Parties to finalize our settlement documents, which would be consistent with the discovery stay that was in place during the pendency of our mediation.

The Parties are available to discuss the instant request should Your Honor have any questions.

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Respectfully submitted,

/s/ Kathryn M. Zunno-Freaney
Kathryn M. Zunno-Freaney

cc: Steven H. Newman